

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Sudeen G. Kelly, Marc Spitzer,
Philip D. Moeller, and Jon Wellinghoff.

Ameren Energy Marketing
Central Illinois Public Service Company
Central Illinois Light Company
Illinois Power Company
Union Electric Company

Docket Nos. ER07-205-000
ER07-205-001

ORDER ACCEPTING NOTICE OF WITHDRAWAL
AND TERMINATING PROCEEDING

(Issued May 18, 2007)

1. In this order we accept a notice of withdrawal filed by Central Illinois Public Service Company, Central Illinois Light Company, Illinois Power Company (collectively, the Ameren Illinois Utilities), Union Electric Company (Union Electric), and Ameren Energy Marketing Company (Ameren Energy Marketing) (collectively, with Union Electric and the Ameren Illinois Utilities, Applicants) and grant Applicants' request to terminate this proceeding.

Background

2. On November 9, 2006, Applicants submitted a request for authorization for Union Electric and Ameren Energy Marketing to make power sales to their affiliates, the Ameren Illinois Utilities. Applicants stated that the requested authorization would permit Union Electric and Ameren Energy Marketing to participate in a Request for Proposals for Capacity issued by Ameren Services Company on behalf of the Ameren Illinois Utilities (the RFP) and to make power sales to their affiliates, the Ameren Illinois Utilities, pursuant to the RFP. The Illinois Commerce Commission (Illinois Commission) filed a notice of intervention and comments recommending that the

Commission investigate whether there was any undue preference in connection with the RFP.¹

3. On December 29, 2006, the Commission accepted the application, under section 205 of the Federal Power Act,² authorizing Union Electric and Ameren Energy Marketing to make power sales to their affiliates, the Ameren Illinois Utilities, if Union Electric or Ameren Energy Marketing was a successful bidder in response to the RFP.³ The Commission also suspended the authorization for a nominal period, effective January 1, 2007, subject to refund, and established hearing procedures regarding whether Applicants had satisfied the Commission's affiliate abuse concerns that no affiliate should receive undue preference during any stage of a competitive solicitation process.

4. On January 19, 2007, Applicants filed a notice of withdrawal of the November 9, 2006 application. No motion in opposition to the withdrawal was filed.⁴

5. On March 9, 2007, the Director, Division of Tariffs and Market Development – West, acting pursuant to delegated authority, issued a data request advising Applicants that additional information was needed to process the January 19, 2006 notice of withdrawal, and asking Applicants to provide a detailed description of the rationale for filing the notice of withdrawal.

6. On March 19, 2007, Applicants filed a response stating that they requested withdrawal because, even though conditional authorization for affiliate sales was granted in the December 29 Order, effective January 1, 2007, no affiliate sales had taken place in connection with the November 9, 2006 application. Applicants further stated that it had been determined that no affiliate sales would take place in connection with the application.

¹ The Illinois Commission and ISG Hennepin Inc.'s notice of intervention and motion to intervene made those entities parties to this proceeding. *Ameren Energy Marketing*, 117 FERC ¶ 61,362 at P 14 (2006) (December 29 Order).

² 16 U.S.C. § 824d (2000).

³ December 29 Order, 117 FERC ¶ 61,362 (2006).

⁴ Although the presiding judge cited Rule 216 in confirming the withdrawal. the Commission does not process withdrawals of rate filings under Rule 216. As noted below, the Commission treats such withdrawals as filings under section 205 of the Federal Power Act, 16 U.S.C. § 824d (2000).

Procedural Matters

7. Notice of the January 19, 2007 filing was published in the *Federal Register*, 72 Fed. Reg. 4,256 (2007), with motions to intervene and protests due on or before February 9, 2007. Notice of the March 19, 2007 filing was published in the *Federal Register*, 72 Fed. Reg. 14,790 (2007), with motions to intervene and protests due on or before April 9, 2007. None was filed.

Discussion

8. Although Applicants' notice of withdrawal cited Rule 216, the Commission's practice is to treat the withdrawal of rate filings as filings under Federal Power Act section 205 and to act on them accordingly.⁵ The Commission accepts Applicants' notice of withdrawal of the request for authorization to make power sales to their affiliates, the Ameren Illinois Utilities. This action renders the need for the hearing moot.

The Commission orders:

Applicants' notice of withdrawal is accepted for filing and Docket Nos. ER07-205-000 and ER07-205-001 are terminated.

By the Commission.

(S E A L)

Philis J. Posey,
Deputy Secretary.

⁵ *E.g., California Independent System Operator Corporation*, 90 FERC ¶ 61,337 at 62,119 (2000); *New England Power Pool*, 70 FERC ¶ 61,155 (1995).